

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
R. O. B.

L.D. 10

DATE: **3-27-03**

(Filing No. H-**62**)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

LABOR

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT **A** to H.P. 17, L.D. 10, Bill, "An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992"

Amend the bill in section 1 by striking out subsection 1 (page 1, lines 6 to 26 in L.D.) and inserting in its place the following:

1. Benefit and duration. While the incapacity for work is partial, the employer shall pay the injured employee a weekly compensation equal to 80% of the difference between the injured employee's after-tax average weekly wage before the personal injury and the after-tax average weekly wage that the injured employee is able to earn after the injury, but not more than the maximum benefit under section 211. Compensation must be paid for the duration of the disability if the employee's permanent impairment, determined according to subsection 1-A and the impairment guidelines adopted by the board pursuant to section 153, subsection 8 resulting from the personal injury is in excess of 15% to the body. In all other cases an employee is not eligible to receive compensation under this section after the employee has received 260 weeks of compensation under section 212, subsection 1, this section or both. The board may in the exercise of its discretion extend the duration of benefit entitlement beyond 260 weeks in cases involving extreme financial hardship due to inability to return to gainful employment. This authority may ~~not~~ be delegated by the board, on a case-by-case basis, to a hearing officer and ~~such decisions or a panel of 3 hearing officers.~~ Decisions made under this subsection must be made expeditiously. A decision under this subsection made by a hearing officer or a panel of 3 hearing officers may not be appealed to the board under section 320, but may be appealed pursuant to section 322.

COMMITTEE AMENDMENT

NOTE

2
4
6
8
10
12
14
16

SUMMARY

This amendment clarifies that the Workers' Compensation Board may delegate a decision on extension of benefits to a hearing officer or a panel of 3 hearing officers and that the decision to delegate such authority must be made on a case-by-case basis. It also provides that hearing officer decisions on this issue may not be appealed to the Workers' Compensation Board, but may be appealed directly to the Law Court like other hearing officer decisions.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 10

**An Act to Amend the Laws Governing the Extension of Benefits for
Partial Incapacity Under the Maine Workers' Compensation Act of 1992**

LR 0281(02)

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Labor

Fiscal Note Required: Yes



Fiscal Note

Minor cost increase - Other Special Revenue Funds